IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9777 of 2005

Between:

Chinta Laxminaryana Devi, W/o. Chinta Parameshwara Rao
R/o. 12-2-709/C/196, Padmanabha Nagar, near Mehdipatnam, Hyderabad - 028.

..... PETITIONER

AND

The Regional Passport Office, Near Clock Tower, Secunderabad,
Rep. by the Passport Officer.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the inaction of the respondent to receive petitioner application to consider the same for issuance of fresh Pass Port, as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondent to receive petitioner application and consider the same for issuing her fresh Pass Port with her correct date of birth as 15-08-1947 as per the Secondary School Leaving Certificate issued by the Government of Andhra Pradesh and pass such other order or orders.

Counsel for the Petitioner : NAKARIKANTI PRABHAKAR

Counsel for the Respondent : MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9777 OF 2005

ORDER :

Heard both sides.

This writ petition is filed seeking a declaration that the action of the respondent in not receiving the application, and not correcting the date of birth of the petitioner as 15-08-1947 in the place of 15-08-1963 in the Passport bearing No.B-1302863 as arbitrary and illegal.

The petitioner states that she obtained passport on 18-12-1999 in which her date of birth was wrongly mentioned as 15-08-1963 instead of 15-08-1947. She further states that her correct date of birth, according to the Secondary School Leaving

Certificate is 15-08-1947 and therefore she approached the respondent seeking correction of date of birth in the passport. However, the respondent refused to take any action. Hence, this writ petition.

As held by this Court in a judgment in MOHAMMAD DILAWAR SHARIFF v. UNION OF INDIA, REP. BY ITS SECRETARY, MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI AND ANOTHER correction of Date of Birth in the passport once issued is not permissible. However, it is to be noted that subsequently the Government of India, Ministry of External Affairs has issued a Circular dated 18-04-2001 under which it is now permissible for the Regional Passport Officer to affect the corrections under certain circumstances specified under the Circular.

In the circumstances, the Writ Petition is disposed of with a direction to the respondent to receive the application made by the petitioner and to consider the same on the basis of the material furnished by the petitioner to substantiate the correct Date of Birth and to pass appropriate orders in terms of the Circular dated 18-04-2001 within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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27th April, 2005.

Note:- CC in 2 days.

(B/O)

gbs

To

1. The Regional Passport Office, Near Clock Tower, Secunderabad,
   Rep. by the Passport Officer.

2. 2 CD copies